

## REMARKS

The applicant has received the Office Action and will respond to the issues in the same order as provided by the Office Action.

### Drawings

The drawings were objected to because the Office Action alleges that the “seal . . . integral to . . . the . . . nozzle body” recited in claim 1 was not shown in the claims. For purposes of simplifying issues the applicant will remove the offensive language from claim 1 to narrow the issues remaining in disagreement. The seal is now claimed only integral to the conduit (and not the nozzle body).

### Claim Rejections Under 35 USC § 112

Prior to this amendment, claim 1 defined “a seal . . . integral to **at least one** of the conduit and nozzle body . . .” The amendment to claim 1 directed to the drawing issue also resolves this issue. The seal is now integral only to the conduit and not to the nozzle body.

### Claim Rejections Under 35 USC § 102

The Office Action maintains the Hinchman rejection of the specific claims. Since claim 1 was amended, it is observed that element **15** in Hinchman is not integral to structure identified corresponding to the conduit therefore cannot correlate to the claimed seal as it relates to claims 1, 3, 5, 9, 11, 12 and 16. As it relates to claim 17, element 18 cannot meet the specific limitations of the claimed by-pass passageway.

### Claim Rejections Under 35 USC § 103

The claims were also rejected as being obvious over Ridenour in view of Ito, U.S. Patent No. 4,432,496. The Examiner has previously properly interpreted the purpose of the bulge **28** with the bulge **45** in Ito as being designed to prevent accidental removal of one portion of the

outer cover relative to the inner cover **20**. In fact, the Office Action states that it would have been obvious to provide the “seal of Ito to the device of Ridenour to prevent accidental removal of the nozzle body member.” (See Office Action dated June 12, 2007).

Fortunately for the applicant, this is not the purpose of the applicant’s seal as claimed and therefore, the applicant would propose that the reference and rationale provided by the Examiner teaches away from the construction provided by the applicant as the cooperating bulges in Ito are expressly provided for a different purpose and are not identified as providing the claimed seal.

The claims were also rejected as being unpatentable over Ridenour in view of Hollinshead et al., U.S. Patent No. 6,164,569. Hollinshead does have some integral ribs **104** described as fins. However, these fins are not between the conduit and the nozzle body member as claimed which are connected with a coupling, but instead the fins contact a structure which is different than the structure which the coupling contacts in the Hollinshead et al. reference. There is no teaching to move parts from Hollinshead and make them function with the structure of Ridenour apart the applicant’s specification. Accordingly, as affected by the enclosed amendment, this obviousness rejection lacks at least one element claimed by the applicant and thus does not provide a *prima facie* case of obviousness.

### **Response to Arguments**

The applicant has addressed the drawing and 112 issues identified by the Examiner. The applicant still disagrees with these rejections, but to narrowly focus issues for potential appeal, the applicant has capitulated on these two issues.

There was no discussion of the rationale as to why the combination of Ito and Ridenour does not teach away from the proposed construction of the claims in the response to arguments

section. There was also no discussion as it related to an explanation of the rebuttal that the proposed combination of Ridenour with Hollinshead did not teach the claimed structure.

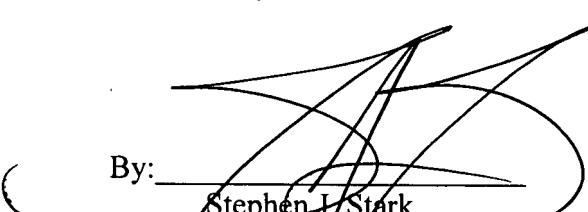
With the enclosed RCE, the applicant now believes that the potentially only remaining issues may be the 102 and 103 rejections. The applicant is hopeful that the 102 and 103 issues have been sufficiently clarified with the amendment to claim 1 enclosed as it relates to claim 1 and those that depend therefrom. The applicant is also hopeful that the rejection of the remaining claims as it relates to obviousness has also been properly addressed with this response.

Allowance of the pending claims is respectfully requested.

Respectfully submitted,

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\*\*\*\* VERSION SHOWING CHANGES MADE \*\*\*\*

**APPENDIX A**

1. (Currently Amended) An adjustable gas nozzle comprising, in combination:
  - a nozzle body member having an elongated passageway therethrough with an inlet opening at a first end and an outlet at a second end;
  - a conduit connected to the nozzle body member;
  - an adjusting member disposed intermediate the conduit and the nozzle body member and having a first end with a first restricted orifice disposed proximate to the second end of the nozzle body member, and a second end having a second orifice, said first and second ends having a first passageway intermediate thereto providing fluid communication intermediate the first restricted orifice and the second orifice;
  - a coupling between said conduit and said nozzle body member to permit first and second alternative positions therebetween;
  - a by-pass passageway around the first passageway of the adjusting member and said first restricted orifice;
    - cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice and second orifice in series so that gas flow rate is regulated by said first restricted orifice;
    - cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;

said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway wherein flow through the by-pass passageway does not flow through the first passageway; and

    a seal distinct of the coupling provided between said conduit and said nozzle body member and integral to ~~at least one of the conduit and nozzle body member~~ precluding leakage of gas therebetween in both the first and second positions.

2. (Original) An adjustable gas nozzle as recited in claim 1, wherein said seal comprises ribs on said conduit.

3. (Original) An adjustable gas nozzle as recited in claim 1, wherein the material of one of said conduit and body member is harder than the other.

4. (Cancelled)

5. (Previously presented) An adjustable gas nozzle as recited in claim 3, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

6. (Previously Presented) An adjustable gas nozzle as recited in claim 1, wherein said restricted orifices and said outlet are coaxial, and said first restricted orifice is smaller than the outlet of said nozzle body member.

7. (Previously Presented) An adjustable gas nozzle as recited in claim 1, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the first restricted orifice of said adjusting member and positionable on said annular shoulder, the space between adjacent legs providing the by-pass passageway for gas flow therebetween when said cooperative surfaces are not engaged.

8. (Original) An adjustable gas nozzle as recited in claim 7, wherein said seal comprises ribs on the conduit.

9. (Original) An adjustable gas nozzle as recited in claim 7, wherein the material of one of said conduit and body member is harder than the other.

10. (Cancelled)

11. (Previously presented) An adjustable gas nozzle as recited in claim 9, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

12. (Original) An adjustable gas nozzle as recited in claim 6, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the outlet of said adjusting member and positionable on said shoulder, the

space between adjacent legs providing a passageway for gas flow therebetween when said cooperative surfaces are not engaged.

13. (Original) An adjustable gas nozzle as recited in claim 12, wherein said seal comprises ribs on the conduit.

14. (Original) An adjustable gas nozzle as recited in claim 13, wherein the material of one of said conduit and body member is harder than the other.

15. (Cancelled)

16. (Previously presented) An adjustable gas nozzle as recited in claim 14, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

17. (Previously presented) An adjustable gas nozzle comprising, in combination:

    a nozzle body member having an elongated passageway therethrough with an inlet opening at a first end and an outlet at a second end;

    a conduit connected to the nozzle body member;

    an adjustment member disposed intermediate the conduit and the nozzle body member and having a first non-adjustable restricted orifice at the end of the adjustment member proximate to the second end of the nozzle body member;

    a coupling between said conduit and said body member to permit first and second alternative positions therebetween;

a by-pass passageway around the adjusting member and said first restricted orifice; cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice so that gas flow rate is regulated by said first restricted orifice;

cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;

said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway; and

an integral seal distinct from the coupling provided between said conduit and said nozzle body member to preclude leakage of gas therebetween in both the first and second positions.

18. (Previously Presented) An adjustable gas nozzle as recited in claim 17, wherein said seal comprises ribs on said conduit.

19. (Previously Presented) An adjustable gas nozzle as recited in claim 18, wherein the material of one of said conduit and body member is harder than the other.

20. (Previously Presented) An adjustable gas nozzle as recited in claim 19, wherein said conduit has an end and said seal is disposed intermediate the coupling and the end of the conduit.